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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**

9 MOTHER, LLC.,

10 Plaintiff,

11 v.

12 LL BEAN,

13 Defendant.

Case No. C06-5540JKA

**ORDER DENYING MOTION
TO RETAX COSTS**

14 This matter comes before the court on plaintiff's November 6, 2007 Motion to Retax Costs noted for
15 November 15, 2007 (Dkt#113). The court has considered the motion as well as defendant's response
16 (Dkt#114) and the files and records herein.

17 Defendant. the "prevailing" party in this litigation filed a Bill of Costs (Dkt#100) on September 28,
18 2007, noting the matter for consideration October 9, 2007. Plaintiff filed no response. On November 1, 2007,
19 an order was entered taxing costs against plaintiff as requested (Dkt#112). Thereafter, on November 6, 2007,
20 plaintiff filed this motion for Retaxing of Costs. Plaintiff offers no explanation for failing to respond to the
21 initial requests for costs, other than to suggest it was noted one day earlier than the rules allow because
22 defendant failed to take note of an intervening federally recognized holiday. Ironically, plaintiff seems to have
23 made the same error in noting his motion to retax costs. Assuming plaintiff's calculations with regard to the
24 correct noting date is correct, defendant's request for costs should have been noted for October 10. Three
25 additional weeks went by with no response from plaintiff before the costs were actually taxed on November

26 **Plaintiff's Motion to Retax Costs is denied.**

27 Dated this 15th day of November 2007.

28 /s/ J. Kelley Arnold
J. Kelley Arnold, U.S. Magistrate Judge